

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: JAMES S. WEBB)	Chapter 11
)	Case No. 21-10011-KHK
Debtor.)	
-----)	
)	
PEGGY J. WEBB)	
)	
Plaintiffs,)	
)	
v.)	Adversary Proceeding No. _____
)	
JAMES S. WEBB)	
)	
Defendant.)	
_____)	

**COMPLAINT TO DETERMINE DISCHARGEABILITY
OF DEBT PURSUANT TO 11 U.S.C. §§ 523(a)(5) AND 523(a)(15)**

Plaintiff PEGGY J. WEBB, by counsel, states the following as and for her complaint to determine the dischargeability of Defendant and Debtor JAMES S. WEBB'S debt pursuant to 11 U.S.C. §§ 523(a)(5) and 523(a)(15):

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a) and (b)(2)(I), and 28 U.S.C. § 1334(a).
2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. This action is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I).
4. This Complaint seeks to determine the dischargeability of certain of Defendant's debts pursuant to 11 U.S.C. §§ 523(a)(5) and 523(a)(15).

FACTUAL ALLEGATIONS

5. Plaintiff Peggy J. Webb is an individual and resident of Alabama.
6. Defendant James S. Webb is an individual and resident of the Commonwealth of Virginia.
7. Plaintiff and Defendant were previously married and divorced by Final Judgment entered on April 25, 1997, in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida.
8. On April 24, 2017, Plaintiff filed a motion seeking enforcement of the Final Judgment of Dissolution of Marriage, which motion was granted by order entered on July 19, 2019.
9. On August 30, 2019, an Amended Final Judgment was entered in Case No. 19-DR-0436, Collier County (Florida) Circuit Court, awarding judgment in Plaintiff's favor, and against the Defendant and Debtor, in the amount of \$997,160.46, plus \$834.00 accrued interest through August 30, 2019, plus interest upon the total amount at the legal Florida statutory rate, from August 30, 2019, until paid in full. A copy of said Amended Final Judgment is attached hereto as *Exhibit 1*.
10. Additionally, On November 19, 2020, the Collier County Circuit Court awarded Plaintiff judgment against the Defendant and Debtor for appellate attorney's fees and suit costs (in connection with Defendant's unsuccessful appeal of the underlying August 30, 2019, Amended Final Judgment) in the sum of \$14,234.50, plus interest upon said amount at the statutory legal rate until the judgment is paid in full. A copy of the November 19, 2020, Final Judgment on Appellate Attorneys Fees and Costs is attached hereto as *Exhibit 2*.

11. The judgments in favor of Plaintiff and against the Defendant and Debtor, as described above and set forth in *Exhibit 1* and *Exhibit 2*, constitute debts “for a domestic support obligation” and/or “to a spouse, former spouse, or child of the debtor and not in the kind described in paragraph (5) that is incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, divorce decree or other order of a court of record, or a determination made in accordance with State or territorial law by a governmental unit” as set forth in 11 U.S.C. §§ 523(a)(5) and 523(a)(15), and thus such debts are not dischargeable by Defendant and Debtor through this bankruptcy action.

12. Accordingly, the aforesaid judgments and the corresponding total judgment balances should be determined nondischargeable in Defendant’s Chapter 11 bankruptcy case, Case No. 21-10011-KHK, and in any subsequent case filed by Defendant under the United States Bankruptcy Code.

REQUEST FOR RELIEF

WHEREFORE, your Plaintiff request that this Honorable Court enter an order which finds that the August 30, 2019 and November 20, 2020, judgments attached hereto as *Exhibit 1* and *Exhibit 2*, in favor of Plaintiff and against the Defendant and Debtor, James S. Webb, are nondischargeable pursuant to 11. U.S.C. §§ 523(a)(5) and 523(a)(15), and for such other and further relief which this Court deems just and proper.

Respectfully submitted,

PEGGY J. WEBB
By Counsel

/s/ Kevin S. Jaros

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